



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**JUN 04 2015**

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6125 8768

Mr. James Pyrz  
Environmental Safety Program Manager  
University of Iowa  
122 Grand Avenue Court  
Iowa City, Iowa 52242

RE: University of Iowa Studio Arts Building  
1375 Highway 1 West  
Iowa City, Iowa  
RCRA ID No.: None

Dear Pyrz:

Letter of Warning/Request for Information

On April 29, 2014, a representative of the U.S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

My staff has reviewed the inspection report and your May 22, 2014 response to the Notice of Preliminary Findings (NOPF). They determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Kevin D. Snowden, AWMD/WEMM, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Mr. Snowden, of my staff, at (913) 551-7022 or at [snowden.kevin@epa.gov](mailto:snowden.kevin@epa.gov).

2102 4 0 400  
Sincerely,

A handwritten signature in blue ink, appearing to read 'Donald Toensing', is written over the printed name.

Donald Toensing  
Chief

Waste Enforcement and Materials Management  
Branch  
Air and Waste Management Division

Enclosures (3)

cc: Mr. Cal Lundberg, Chief, Contaminated Sites Section  
Iowa Department of Natural Resources

List of Violations  
University of Iowa Studio Arts Building  
1375 Highway 1 West  
Iowa City, Iowa  
RCRA ID No.: None

1. Title 40 Code of Federal Regulations (40 CFR) 262.11 – Failure to conduct a hazardous waste determination on spent solvent rags.

Requested Information  
University of Iowa Studio Arts Building  
1375 Highway 1 West  
Iowa City, Iowa  
RCRA ID No.: None

1. Please identify all persons responding to the questions in this letter. Please include names, titles, and telephone numbers, if different from the facility's telephone number.
2. In reference to Violation No. 1, your facility's May 22, 2014 NOPF response indicated that a hazardous waste determination had been completed on the spent solvent rags generated at the University of Iowa Studio Arts Building. According to the response, the spent solvent rags were contaminated with solvents with flashpoints that were less than 140°F and inks from the printing process that contained a variety of D-listed toxic metals; however, the response failed to indicate the specific waste codes for the spent solvent rags. Therefore, please provide the following information concerning your hazardous waste determination on the spent solvent rags waste stream:
  - a. a determination of whether or not the waste has been excluded from regulation under 40 CFR Part 261.4;
  - b. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261. **If the waste is a listed hazardous waste, please provide the listed waste code(s) in your response;** and
  - c. a determination of whether or not the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste exhibits any of the hazardous characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR Part 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to EPA as well as a detailed description as to how each sample was taken. **If the waste is a characteristic hazardous waste, please provide the characteristic waste code(s) in your response.**
  - d. If your facility elects to apply knowledge to make a waste determination of the waste streams identified above, you must provide a detailed explanation and your reasoning regarding the basis for this determination. **Also, if you apply knowledge to make the waste determination, please include all hazardous waste codes for the waste in your response.**
  - e. For the spent rags generated at this facility, please indicate:
    - 1) how your facility is managing the spent rags (i.e., sent off-site for disposal, sent to the laundry for cleaning, managed as in accordance with the 2013 Solvent-Contaminated Wipe Rule, etc.),
    - 2) the monthly generation rate for the spent rags generated at your facility that were determined to be hazardous waste,
    - 3) the amount of hazardous spent rags currently stored at your facility, and

- 4) all manifests, bills of lading, or other shipping documents showing how the spent rags that were determined to be hazardous waste have been shipped offsite for disposal since the EPA's April 29, 2014 RCRA inspection.
- 5) In the event that any of the spent rags that were identified hazardous waste are still in storage at your facility, please provide photographs of the wastes and your plans for disposing these wastes.

### 3007 RESPONSE INSTRUCTIONS

- Identify the Person(s) responding to this request on your behalf.
- Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- For each numbered item, identify all persons consulted in the preparation of the answer.
- For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at [www.epa.gov/epahome/cfr40.htm](http://www.epa.gov/epahome/cfr40.htm).
- This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.